IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23366 of 2004

Between:

P.Kasthuraiah S/o.Peeraiah
Varadaiah Palem, Varadaiahpalem (M),
Chittoor Dist.

..... PETITIONER

AND

1 The Dist Collector, Chittoor Dist.
2 Superintending Engineer Irrigation&Command Area

Development, Irrigation Circle, Chittoor Dist.
3 The Executive Engineer Irrigation&Command Area

Development, Irrigation Division (Kalahasti) Chittoor Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate writ, order or direction preferably a writ in the nature of Mandamus, declaring the inaction of the respondents in not releasing the balance payment of Rs.37,000/- to the petitioner in respect of the work completed by the petitioner, in respect of the work, namely CDR to D/s, L/s Flood Bank of Sunnapu Kalva Anicut in Varadaiahpalem Village in pursuance of Proceedings DR No.20 EGS/94-95 IDT No.1241, as illegal, arbitrary and violative of Article 14 of the Constitution of India and consequently direct the respondents to forthwith release the amount of Rs 37,000/- to the petitioner together with interest at the rate of 24% per annum from the date of completion of the work till the date of payment;

Counsel for the Petitioner:MR.V.VINOD.K.REDDY

Counsel for the Respondents: GP FOR IRRIGATION & COMM AREA DEV.

The Court at the admission stage made the following :

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ORDER:

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The petitioner claims that he has been assigned the work of providing C.D.R. to D/S, L/S Flood Bank of Sunnapu Kalva Anicut in Varadaiahpalem Mandal, Chittoor District. He states that the work has been completed to the satisfaction of the respondents. According to him, a sum of Rs.37,000/- was not paid, despite his repeated requests. He claims to have made a representation, dated 26.10.2004, in this regard, and seeks appropriate directions.

Heard learned counsel for the petitioner and learned Government Pleader for Irrigation.

According to the petitioner, he was assigned the work referred to above and had executed the same. The questions as to whether the work has been executed to the satisfaction of the respondents and whether any amount still remains unpaid to the petitioner, cannot be decided by this Court. The petitioner claims to have made a representation on 26.10.2004.

Hence, the writ petition is disposed of, directing the respondents to examine the representation of the petitioner and pass appropriate orders thereon, within a period of six weeks from the date of receipt of this order. There shall be no order as to costs.

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16.12.2004

Note: Issue C.C. in two days

(B/o)

Jsu

To

1 The Dist Collector, Chittoor Dist.
2 Superintending Engineer Irrigation&Command Area

Development, Irrigation Circle, Chittoor Dist.
3 The Executive Engineer Irrigation&Command Area

Development, Irrigation Division (Kalahasti) Chittoor Dist.

4 2CCs to the G.P. for Irrigation and Command Area

Development, High Court Buildings, Hyderabad. (O.U.T)

5 2CD copies.